

LAW OFFICE OF AMY JANE AGNEW

Honorable Loretta A. Preska
Senior Justice, United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

August 11, 2023

VIA ECF

Re:

Alston v. Mueller, et al., 23-cv-3290
Hernandez v. Mueller, et al., 23-cv-5661
Allah v. Dinello, et al., 23-cv-3286
Jacks v. Mueller, et al., 23-cv-3288
Perez v. Dinello, et al. 23-cv-3300
Reyes v. Dinello, et al., 23-cv-3315
Bernard v. Dinello, et al. 23-cv-3323
Crichlow v. Dinello, et al., 23-cv-3386
Dunbar v. Hammer, et al., 23-cv-3391
Feder v. Dinello, et al., 23-cv-3392
Feola v. Mueller, et al., 23-cv-3393
Frateschi v. Hammer, et al., 23-cv-3394
Hale v. Mueller, et al., 23-cv-3396
Wilkerson v. Hammer, et al., 23-cv-3397
VanGuilder v. Mueller, et al., 23-cv-3398

Locenitt v. Dinello, et al., 23-cv-3399
Madison v. Ruiz, et al., 23-cv-3438
Marcial v. Mueller, et al., 23-cv-3455
Miller v. Hammer, et al., 23-cv-3462
Ortiz v. Dinello, et al., 23-cv-3547
Johnson v. Dinello, et al., 23-cv-3553
Rivera v. Mueller, et al., 23-cv-3579
Jacobs v. Mueller, et al., 23-cv-3606
Oleman v. Hammer, et al., 23-cv-3607
Williams v. Dinello, et al., 23-cv-3608
Rivera v. Hammer, et al., 23-cv-3700
Rosado v. Mueller, et al., 23-cv-3718

Dear Judge Preska:

Plaintiffs in the above-listed related matters respectfully request an extension of the time to serve defendants pursuant to Fed. Rule Civ. P. 4(m). Plaintiffs served waivers of service on the defendants in the above-listed suits in hopes of avoiding the costs of process servers and streamlining the process for the Office of the Attorney General. While we have no doubt that the OAG has attempted to facilitate, our office is receiving calls from doctors' private attorneys who are quite concerned about the response time from the State and their clients' obligations in the interim.

We believe at this point our office should move forward with serving summons and complaints in the normal course. The process through which the OAG gathers the waivers and serves them on us is not working. To wit, as of today's date, only one Notice of Appearance has been filed in any case. We have a very large backlog of complaints we need to file but were hoping to come up with a streamlined way of getting them joined and notices of appearance filed. That does not seem to be happening. Accordingly, we respectfully request an extension for the above cases and moving forward we will serve defendants with normal summons and complaints. We are hopeful this will help things along.

We also respectfully request a new date for the conference regarding the individual damages suits given that we will be on trial on September 6, 2023.

Very truly yours,

/s/ AJ Agnew

Amy Jane Agnew, Esq.